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NOTIFICATION

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The following Bill together with the Statement of Objects and Reasons, is published, as ordered by the Speaker under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

D. TIRUMALAI IYENGAR,
*Secretary,*
*Legislative Assembly.*

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**L. A. Bill No. 9 of 1962**

# THE KERALA LOCAL AUTHORITIES LAWS (AMENDMENT) BILL, 1962

## *A*

## *BILL*

*to amend the Kerala Municipalities Act, 1960, the Kerala Panchayats Act, 1960, the Kerala Local Authorities Entertainments Tax Act, 1961 and the Kerala Cattle Trespass Act, 1961.*

*Preamble.*—WHEREAS it is expedient to amend the Kerala Municipalities Act, 1960, the Kerala Panchayats Act, 1960, the Kerala Local Authorities Entertainments Tax Act, 1961 and the Kerala Cattle Trespass Act, 1961 for the purposes hereinafter appearing;

BE it enacted in the Thirteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Local Authorities Laws (Amendment) Act, 1962.

2. *Amendment of the Kerala Municipalities Act, 1960, (Act 14 of 1961).*—In the Kerala Municipalities Act, 1960 (Act 14 of 1961),—

(i) in section 3, for clauses (12), (13) and (14), the following clauses shall be substituted, namely:—

"(12) "Deputy Director" means the officer appointed by the Government by notification in the Gazette to perform the functions of a Deputy Director under this Act for the area specified in the notification;

(13) "Director" means the officer appointed by the Government by notification in the Gazette to perform the functions of the Director under this Act;

(14) "election authority" means such authority, not being the Chairman or vice-chairman or a councillor, as may be appointed by the Government by notification in the Gazette;";

(ii) in section 46, in sub-section (2), for the words "Deputy Director", the word "Director" shall be substituted;

(iii) in section 81, in sub-section (2), for the words "Deputy Director", the word "Director" shall be substituted.

3. *Amendment of section 2 of the Kerala Panchayats Act, 1960 (Act 32 of 1960).*—In section 2 of the Kerala Panchayats Act, 1960 (Act 32 of 1960), for clauses (7) and (8), the following clauses shall be substituted, namely:—

"(7) "Director" means the officer appointed by the Government by notification in the Gazette to perform the functions of the Director under this Act;

(8) "Deputy Director" means the officer appointed by the Government by notification in the Gazette to perform the functions of a Deputy Director under this Act for the area specified in the notification;".

4. *Amendment of section 12 of the Kerala Local Authorities Entertainments Tax Act, 1961 (Act 20 of 1961).*—In section 12 of the Kerala Local Authorities Entertainments Tax Act, 1961 (Act 20 of 1961),—

(i) in sub-section (3), for the words "Director of Local Bodies or such other officer not below the rank of a Deputy Director of Local Bodies", the words "Director or such other officer not below the rank of a Deputy Director" shall be substituted;

(ii) at the end of sub-section (3), the following Explanation shall be inserted, namely:—

*Explanation.*—For the purposes of this sub-section the terms "Director" and "Deputy Director" shall,—

(i) in their application to bye-laws made by a municipality, mean respectively the Director and the Deputy Director appointed by the Government to perform the functions of the Director and the Deputy Director under the Kerala Municipalities Act, 1960 (Act 14 of 1961); and

(ii) in their application to bye-laws made by a Panchayat, mean respectively the Director and the Deputy Director appointed by the Government to perform the functions of the Director and the Deputy Director under the Kerala Panchayats Act, 1960 (Act 32 of 1960).".

5. *Amendment of section 2 of the Kerala Cattle Trespass Act, 1961 (Act 26 of 1961).*—In section 2 of the Kerala Cattle Trespass Act, 1961 (Act 26 of 1961), for clause (2), the following clause shall be substituted, namely:—

"(2) "Director" in relation to any area comprised in a municipality or a municipal corporation, shall mean the Director appointed under clause (13) of section 3 of the Kerala Municipalities Act, 1960 (Act 14 of 1961), and, in relation to any area comprised in a Panchayat, shall mean the Director appointed under clause (7) of section 2 of the Kerala Panchayats Act, 1960 (Act 32 of 1960);".

6. *Repeal and saving*—(1) The Kerala Local Authorities Laws (Amendment) Ordinance, 1962 (Ordinance No. 3 of 1962) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any appointment made) in the exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing was done or action was taken.

## STATEMENT OF OBJECTS AND REASONS

To improve the efficiency of administration and to ensure quick despatch of work, the Government have bifurcated the Department of Local Bodies into two Departments, the Department of Municipalities and the Department of Panchayats with a separate Director for each Department. The Department of Municipalities, dealing with Municipal administration is placed under the Director of Municipalities and the Department of Panchayats dealing with Panchayat administration is placed under the Director of Panchayats. The existing Deputy Directors of Local Bodies have also been redesignated as Deputy Directors of Panchayats and their control has been limited to Panchayat administration only.

The above changes in the set-up of the Local Bodies Department have necessitated certain amendments to the following enactments, namely:—

1. The Kerala Municipalities Act, 1960.
2. The Kerala Panchayats Act, 1960.
3. The Kerala Local Authorities Entertainments Tax Act, 1961.
4. The Kerala Cattle Trespass Act, 1961.

The functions assigned to the Director of Local Bodies under the said Acts could not be legally exercised by the Director of Municipalities and the Director of Panchayats without suitably amending the relevant provisions of those Acts.

Since the Legislative Assembly was not in session and since immediate action was necessary an Ordinance was promulgated for this purpose by the Governor on 6-2-1962.

The Bill seeks to replace the Ordinance by an Act of the Legislature.

P. P. UMMER KOYA